

In the mailing of 14 October 2005, a Restriction Requirement was issued for the above-referenced patent application. In the restriction requirement, the Examiner separated the claims of the present application into two groups, namely Group I “method” claims 24-30 and Group II “product” claims 1-23. In response, the Applicants respectfully disagree with the Examiner and traverse the Examiner’s restriction.

In the restriction, the Examiner states that “Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another materially different product or (2) that the product as claimed can be made by another and materially different process. See MPEP Sect. 806.05(f). In the instant case the article can be fabricated using steps which do not follow the same chronological order of the claimed steps and/or may omit certain step(s); e.g. the preparation of the oxidized cobalt layer can be achieved by other processes.”

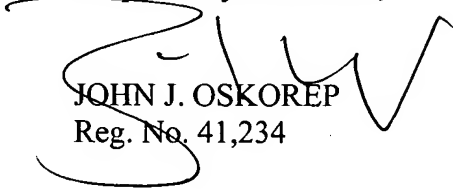
The Examiner has not adequately shown that Group I and II are distinct. Claim 1 is directed to a spin valve sensor having a “capping layer structure comprising a cobalt layer.” Claim 24 is directed to a method of making a spin valve sensor having steps of “forming a sensor stack structure” and “forming, over the sensor stack structure, a capping layer structure which includes a cobalt layer.” These are essentially the same or similar limitations. Further, the Examiner may be incorrectly assuming that the method steps of claim 24 imply certain chronological order when none exists. Finally, the article of the present application cannot be made by a process which omits any of the two basic steps of “forming.”

In light of the above, the Applicants respectfully request the Examiner to reconsider the position taken. In the event the Examiner continues to disagree, the Applicants hereby elect GROUP II product claims 1-23 with traverse.

Thank you. The Examiner is invited to contact the undersigned by telephone if necessary to expedite this matter.

Date: 28 Oct 2005

Respectfully Submitted,


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